



The Mysore Gazette

Vol. 51.]

PUBLISHED BY AUTHORITY.

[No. 6.

BANGALORE, THURSDAY, FEBRUARY 10, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 283—L. C., dated Bangalore, 29th January 1916.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill for the registration, surveillance and control of Criminal Tribes, is published for general information together with a statement of objects and reasons.

By Order,

G. SREENIVASA IYER,

Secretary, Mysore Legislative Council.

A Bill for the registration, surveillance and control of Criminal Tribes.

Whereas it is expedient to provide for the registration, surveillance and control of criminal tribes; His Highness the Maharaja is pleased to enact as follows:—

PRELIMINARY.

1. (1) This Regulation may be called the Criminal Tribes Regulation, and
Short title and extent.
- (2) It extends to the whole of Mysore.

2. In this Regulation, unless there is anything repugnant in the subject or context,
Definitions.

- (1) "criminal tribe" means a tribe, gang or class of persons declared to be a criminal tribe by a notification under Section 3;
- (2) "prescribed" means prescribed by rules under this Regulation; and
- (3) "tribe," "gang" or "class" includes any part or members of a tribe, gang or class.

NOTIFICATION OF CRIMINAL TRIBES.

3. If the Government has reason to believe that any tribe, gang or class of persons is addicted to the systematic commission of non-bailable offences, it may, by notification in the official Gazette, declare that such tribe, gang or class is a criminal tribe for the purposes of this Regulation.
Power to declare any tribe, gang or class a criminal tribe.

REGISTRATION OF MEMBERS OF CRIMINAL TRIBES.

4. The Government may direct the District Magistrate to make or to cause to be made a register of the members of any criminal tribe or of any part thereof within his district.
Registration of members of criminal tribes.

5. Upon receiving such direction, the District Magistrate shall publish a notice in the prescribed manner at the place where the register is to be made and at such other places as he may think fit, calling upon all the members of such criminal tribe, or of such part thereof as is directed to be registered,
Procedure in making register.

- (a) to appear at a time and place therein specified before a person appointed by him in this behalf;
- (b) to give to that person such information as may be necessary to enable him to make the register; and
- (c) to allow their finger impressions to be recorded:

Provided that the District Magistrate may exempt any individual member of such criminal tribe or part thereof from registration.

6. The register, when made, shall be placed in the keeping of the Superintendent of Police, who shall, from time to time, report to the District Magistrate any alterations which ought in his opinion to be made therein, either by way of addition or erasure.
Charge of register.

7. (1) After the register has been placed in the keeping of the Superintendent of Police no person shall be added to the register, and no registration shall be cancelled except by or by the order in writing of the District Magistrate.
Alterations in register.

(2) Before the name of any person is added to the register under this section the Magistrate shall give notice in the prescribed manner to the person concerned—

- (a) to appear before him or a person appointed by him in this behalf at a time and place therein specified;
- (b) to give him or such person such information as may be necessary to enable him to make the entry; and
- (c) to allow his finger impressions to be recorded.

8. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register either when the register is first made or subsequently, may complain to the District Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter therein, or erase it therefrom, as he may see fit.
Complaints of entries in register.

9. The District Magistrate or any officer empowered by him in this behalf may at any time order the finger impressions of a registered member of a criminal tribe to be taken.
Power to take finger impressions at any time.

10. The Government may, by notification in the official Gazette, direct in respect of any criminal tribe that every registered member thereof shall, in the prescribed manner—

Members of criminal tribes to report themselves or notify residence.

- (a) report himself at fixed intervals; or
- (b) notify his place of residence and any change or intended change of residence and any absence or intended absence from his residence.

RESTRICTION OF MOVEMENTS OF CRIMINAL TRIBES.

Notification restricting movements of, or settling, tribe.

11. If the Government considers—

- (a) that it is expedient to restrict the movements of any criminal tribe, or to settle it in a place of residence, and
- (b) that the means by which such criminal tribe shall earn its living are adequate,

it may publish in the official Gazette a notification declaring that such criminal tribe shall be restricted in its movements to the area specified or shall be settled in the place of residence specified.

12. The Government may at any time by a like notification vary the terms

Power to vary specified area or place of residence.

of any notification published by it under Section 11 by specifying another area to which the movements of the criminal tribe shall be restricted, or another place of residence in which it shall be settled.

13. Every registered member of a criminal tribe, whose movements have

Verification of presence of members of tribe within prescribed area of place of residence.

been restricted or which has been settled in a place of residence, shall attend at such place and at such time and before such person as may be prescribed in this behalf.

14. When the area to which the movements of a criminal tribe or any

Transfer of register in certain cases.

members thereof are restricted, or the place of residence in which a criminal tribe is settled, is situated in a district other than that in which the register mentioned in Section 4 was prepared, the register shall be transferred to the Superintendent of Police of the district in which the said area is situated, and the District Magistrate of the said district shall thereupon be empowered to exercise the powers provided in Sections 7, 8 and 9.

SETTLEMENTS AND SCHOOLS.

15. The Government may establish industrial, agricultural or reformatory

Power to place tribe in settlement.

settlements and may place therein any criminal tribe or any part thereof, in respect of which a notification has been published under Section 11.

16. (1) The Government may establish industrial, agricultural or reformatory

Power to place children in schools and to apprentice them.

schools for children and may separate and remove from their parents or guardians and place in such schools the children of members of any criminal tribe in respect of which a notification has been published under Section 11.

(2) For every school established under sub-section (1) a Superintendent shall be appointed by the Government.

(3) For the purpose of this section the term "children" includes all persons under the age of eighteen and above the age of six years.

(4) The decision of the District Magistrate as to the age of any person for the purposes of this section shall be final.

17. The Government may at any time, by general or special order, direct

Power of Government to discharge or remove persons from settlement or school.

any person who may be in any industrial, agricultural or reformatory settlement or school in the State,—

- (a) to be discharged, or

(b) to be removed to some other like settlement or school in the State.

18. The Government may, by like order, direct that any person to whom the provisions of Section 15 or Section 16 are applicable may be placed in, or transferred to, any industrial, agricultural or reformatory settlement or school in any part of Mysore.

Power of Government to direct use of any settlement or school in Mysore for reception of persons.

RULES.

19. (1) The Government may make rules to carry out the purposes and objects of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for and regulate:—

- (a) the form and contents of the register prescribed in Section 4;
- (b) the mode in which the notice prescribed in Section 5 shall be published and the means by which the persons whom it concerns, and the village-headmen, village-watchmen and land-owners or occupiers of the village in which such persons reside or the agents of such land-owners or occupiers shall be informed of its publication;
- (c) the addition of names to the register and the erasure of names therein, and the mode in which the notice prescribed in Section 7 shall be given;
- (d) the mode in which persons mentioned in Section 10 shall report themselves, or notify their residence or any change or intended change of residence or any absence or intended absence;
- (e) the nature of the restrictions to be observed by persons whose movements have been restricted by notification under Section 11 or Section 12;
- (f) the conditions as to holding passes under which persons may be permitted to leave the place in which they are settled or confined or the area to which their movements are restricted;
- (g) the conditions to be inserted in any such pass in regard to—
 - (i) the places where the holder of the pass may go or reside;
 - (ii) the persons before whom, from time to time, he shall be bound to present himself; and
 - (iii) the time during which he may absent himself;
- (h) the place and time at which and the persons before whom members of a criminal tribe shall attend in accordance with the provisions of Section 13;
- (i) the inspection of the residences and villages of any criminal tribe;
- (j) the terms upon which registered members of criminal tribes may be discharged from the operation of this Regulation;
- (k) the management, control and supervision of industrial, agricultural or reformatory settlements and schools;
- (l) the works on which, and the hours during which, persons placed in an industrial, agricultural or reformatory settlement shall be employed the rate at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour; and
- (m) the discipline to which persons endeavouring to escape from any industrial, agricultural or reformatory settlement or school, or otherwise offending against the rules for the time being in force, shall be subject, the periodical visitation of such settlement or school and the removal from it of such persons as it shall seem expedient to remove.

PENALTIES AND PROCEDURE.

Penalties for failure to comply with terms of notice under Section 5 or 7.

20. Whoever, being a member of a criminal tribe, without lawful excuse, the burden of proving which shall lie upon him,

- (a) fails to appear in compliance with a notice issued under section 5 or section 7, or
 - (b) intentionally omits to furnish any information required under those sections, or
 - (c) when required to furnish information under either of those sections, furnishes as true any information which he knows or has reason to believe to be false, or
 - (d) refuses to allow his finger impressions to be taken,
- may be arrested without warrant, and shall be punishable with imprisonment for a term which may extend to six months; or with fine which may extend to two hundred rupees; or with both.

21. (1) Whoever, being a registered member of a criminal tribe, violates a rule made under clause (e), clause (f) or clause (g) of section 19 shall be punishable with imprisonment for a term which may extend,

- (a) on a first conviction, to one year,
- (b) on a second conviction, to two years and,
- (c) on any subsequent conviction, to three years.

(2) Whoever, being a registered member of a criminal tribe, violates a rule made under any other clause of Section 19 shall be punishable,

- (a) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both, and
- (b) on any subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

22. (1) Whoever, being a member of any criminal tribe, and, having been convicted of any of the offences under the Indian Penal Code specified in the Schedule, is hereafter convicted of the same or any other offence specified in the said schedule, shall in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, be punished,

- (a) on a second conviction, with imprisonment for a term of not less than seven years, and
- (b) on a third conviction, with transportation for life.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

Punishment for registered members of criminal tribe found under suspicious circumstances.

23. Whoever, being a registered member of any criminal tribe, is found in any place under such circumstances as to satisfy the Court—

- (a) that he was about to commit, or aid in the commission of, theft or robbery, or

(b) that he was waiting for an opportunity to commit theft or robbery, shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine which may extend to one thousand rupees.

Arrest of registered person found beyond prescribed limits.

24. (1) Whoever, being a registered member of a criminal tribe,—

- (a) is found in any part of Mysore, beyond the area, if any, prescribed for his residence, without the prescribed pass, or in a place or at a time not permitted by the conditions of his pass, or
- (b) escapes from an industrial, agricultural or reformatory settlement or school,

may be arrested without warrant by any police officer, village headman or village watchman, and taken before a Magistrate, who, on proof of the facts, shall order him to be removed to the district in which he ought to have resided or to the settlement or school from which he has escaped (as the case may be), there to be dealt with in accordance with this Regulation or any rules made thereunder.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section or under any other provision of this Regulation.

Provided that an order from the Government or from the Inspector-General of Prisons shall not be necessary for the removal of such persons.

25. (1) Every village headman and village watchman in a village in which any persons belonging to a criminal tribe reside, and every owner or occupier of land on which any such persons reside or the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of:—

(a) the failure of any such person to appear and give information as directed in section 5; or

(b) the departure of any registered member of a criminal tribe from such village or from such land (as the case may be).

(2) Every village headman and village watchman in a village, and every owner or occupier of land or the agent of such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of the arrival at such village or on such land (as the case may be) of any persons who may reasonably be suspected of belonging to any criminal tribes.

26. Any village headman, village watchman, owner or occupier of land or the agent of such owner or occupier, who fails to comply with the requirements of Section 25, shall be deemed to have committed an offence punishable under the first part of Section 176 of the Indian Penal Code.

SUPPLEMENTAL.

27. No Court of Justice shall question the validity of any notification published under the provisions of Section 3, Section 11 or Section 12 on the ground that the provisions hereinbefore contained or any of them have not been complied with, or entertain in any form whatever the question whether they have been complied with; but every such notification shall be conclusive proof that it has been issued in accordance with law.

THE SCHEDULE.

(See Section 22.)

CHAPTER XII.

Sections.

- 231 Counterfeiting coin.
- 232 Counterfeiting Queen's coin.
- 233 Making or selling instrument for counterfeiting coin.
- 234 Making or selling instrument for counterfeiting Queen's coin.
- 235 Possession of instrument or material for the purpose of using the same for counterfeiting coin.
- 239 Delivery of coin, possessed with the knowledge that it is counterfeit.
- 240 Delivery of Queen's coin possessed with the knowledge that it is counterfeit.
- 242 Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.

Sections.

- 243 Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.

CHAPTER XVI.

- 299 Culpable homicide.
 307 Attempt to murder.
 308 Attempt to commit culpable homicide.
 310 Being a thug.
 322 Voluntarily causing grievous hurt.
 324 Voluntarily causing hurt by dangerous weapons or means.
 326 Voluntarily causing grievous hurt by dangerous weapons or means.
 327 Voluntarily causing hurt to extort property or to constrain to an illegal act.
 328 Causing hurt by means of poison, etc., with intent to commit an offence.
 329 Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.
 332 Voluntarily causing hurt to deter public servant from his duty.
 333 Voluntarily causing grievous hurt to deter public servant from his duty.
 369 Kidnapping child under ten years with intent to steal from its person.

CHAPTER XVII.

- 382 Theft after preparation made for causing death, hurt or restraint, in order to the committing of the theft.
 383 Extortion.
 385 Putting person in fear of injury in order to commit extortion.
 386 Extortion by putting a person in fear of death or grievous hurt.
 387 Putting person in fear of death or of grievous hurt in order to commit extortion.
 390 Robbery.
 391 Dacoity.
 393 Attempt to commit robbery.
 394 Voluntarily causing hurt in committing robbery.
 397 Robbery or dacoity, with attempt to cause death or grievous hurt.
 398 Attempt to commit robbery or dacoity when armed with deadly weapon.
 399 Making preparation to commit dacoity.
 402 Assembling for purpose of committing dacoity.
 457 Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.
 458 Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.
 459 Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
 460 All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

STATEMENT OF OBJECTS AND REASONS.

The question of settling the criminal tribes was raised and discussed at the last meeting of the Representative Assembly. Under the gang rules in force, the movements of the gangs are watched and supervised by the regular and the village

police force. These Rules are found inadequate to prevent their escape and committing depredations. To bring these gangs under effective observation and control, and to bring the law into harmony with that in British India, it is considered necessary to have a Regulation based on the lines of the British Indian Act. The provisions are permissive only, and are intended to give power to declare a tribe as criminal, to register their members, to take finger prints and generally put the tribe under observation.

No. Fl. 3777—S. R. 37-15-9, dated 7th February 1916.

In supersession of Notification No. Fl. 2390—S. R. 142-14-6, dated the 27th November 1915, it is hereby published for general information that with effect from 1st July 1916, the price at which Government sells opium to licensed vendors will be raised to Rs. 41-8-0 per seer of 80 tolas.

By Order,

V. R. THYAGARAJA IYER,

Secretary to Government,

Revenue Department.